

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

IN THE MATTER OF THE SEARCH OF  
INFORMATION OF THE NORTH  
DAKOTA MEDICAL MARIJUANA  
PROGRAM THAT IS ASSOCIATED  
WITH GUNNAR JAMES EBERT

Case No. 1:24-mj-674

**FILED UNDER SEAL**

**AFFIDAVIT IN SUPPORT OF  
SEARCH WARRANT APPLICATION**

I, Steven Takacs, being duly sworn, do hereby state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a warrant to search information of the North Dakota Medical Marijuana Program (“NDMMP”) that is associated with Gunnar James Ebert (EBERT), date of birth xx/xx/1997,<sup>1</sup> for evidence of violations of Title 18, United States Code, Section 922(g)(3) (drug user in possession of firearms and ammunition) (the SUBJECT OFFENSE), further described in Attachment B (incorporated herein).

2. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am a Border Patrol Agent with the United States Border Patrol, Grand Forks Sector, Sector Intelligence Unit assigned as a Task Force Officer to the Federal Bureau of

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<sup>1</sup> I have partially redacted EBERT’s date of birth herein pursuant to local rules of this Court. The full date of birth is known to me and will be provided to the Court on request.

Investigation (FBI) Joint Terrorism Task Force at the Bismarck Resident Agency of the Minneapolis Division of the FBI, where I primarily conduct national security investigations. I have experience in the investigation, apprehension, and prosecution of individuals involved in federal criminal offenses, and have been employed as such since 2003.

3. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, my review of documents and computer records related to this investigation, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. This affidavit is intended to show only that there is sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that EBERT has violated the above-listed statutes by committing the SUBJECT OFFENSE. There is also probable cause to search records of the North Dakota Medical Marijuana Program that are associated with him for evidence of this and related crimes, as described in Attachment B.

### **PROBABLE CAUSE**

#### ***2023 – Telegram Activity***

5. On June 24, 2023, the FBI received a tip from a partner agency that Telegram user “Goober Waffen” wrote several posts supporting mass shooters in the

Telegram channel, “NacionalistWorld.” On June 23, 2023, Goober Waffien posted a picture of a man in uniform with the caption, “If I ever do something out of pocket, I need you boys to make sure this is one of the pictures the[y] sent to the news media.” *See Figure 1.* The Department of Defense (DoD) matched the Telegram photo to Gunnar James EBERT. The DoD also provided a photo of EBERT. *See Figure 2.*

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*Figure 1*



*Figure 2*

6. In a post from June 7, 2023, Goober Waffen wrote, "If it's any consolation; the name and pictures associated with my account are my real name and face lol."

7. Upon receiving the tip, federal agents reviewed several hundred Telegram posts written by EBERT from June to August 2023. These included the following:

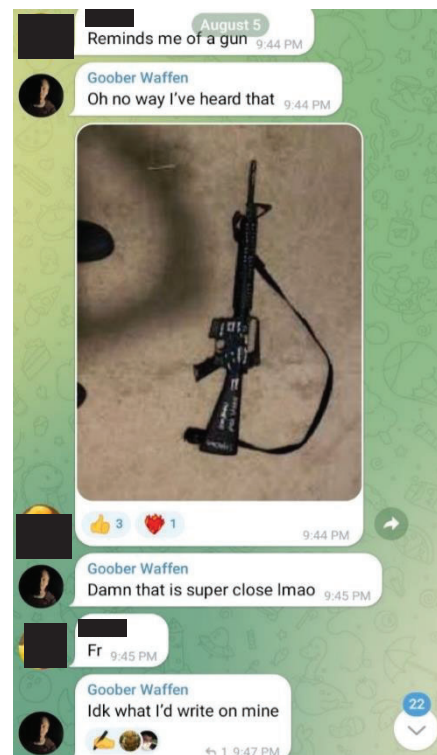
- a. On June 17, 2023, EBERT described his arsenal of firearms, writing, "I got an DPMS Panther Arms 20" Bull Barrel; it fucks ... but the AR is my fav. I

got a 243 Winchester and a .22lr, a couple shotguns and a variety of handguns, and one Hi Point .45 Carbine that I love.” EBERT added, “I have a 3D printer too, once I configure it right I wanna start trying to print guns too.” EBERT also discussed “writing up my rifle like the saints.”<sup>2</sup>

- b. On August 5, 2023, EBERT posted a picture of an assault rifle with the caption, “Ole girl.” *See Figure 3*. Another Telegram user responded, sharing a photo of a black rifle with white writing on it and comparing it to that of EBERT’s. EBERT responded that he does not know what he would write on his. *See Figure 4*.



*Figure 3*



*Figure 4*

<sup>2</sup> “Writing up my rifle” pays homage to Brenton Tarrant, who used white marker to write white supremacy symbols and the names of infamous killers on his rifle before committing the Christchurch, New Zealand mosque shootings in 2019 that resulted in the deaths of 51 people and the wounding of dozens more.

***2024– Interview by FBI Agents***

8. On July 13, 2024, your affiant and FBI Special Agent Erinn Tobin interviewed EBERT about his Telegram posts during his military drill. The interviewing agents informed EBERT that the interview was voluntary, that he was not being ordered to speak to agents, and that he was free to leave at any time. Upon being informed of the identity of the interviewing agents and the nature of the interview, EBERT provided the following information as it relates to this criminal complaint. EBERT stated he had previously experimented with other drugs, but marijuana is what he did daily during the time he was suspended<sup>3</sup> from the Army.

***2024 – Review of Army Medical Records***

9. On September 9, 2024, federal agents received a copy of EBERT’s military medical records from the U.S. Army Criminal Investigative Division. The records indicate that on September 24, 2021, EBERT had been seen for homicidal ideations at the William Beaumont Army Medical Center in El Paso, TX. The provider noted the following as it relates to this criminal complaint: “He does go hunting and attends ranges he has 5 weapons back home.” The records go on to note his access to lethal means or weapons is “at HOR [home of record, that is in Dickinson, ND] wife has key.”

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<sup>3</sup>On September 3, 2021, EBERT reported to Fort Bliss, TX for active-duty training in preparation for deployment. At this time, EBERT refused to take the COVID-19 vaccine, a requirement to deploy. This resulted in EBERT being disqualified from the deployment and ordered home until a decision was made regarding his continued service. Later that month, EBERT was issued a letter of reprimand and permitted to return to reserve drill.

10. On September 25, 2024, in response to legal process, federal agents received a copy of medical records related to EBERT's September 2021 stay at the Rio Vista Behavioral Health Hospital in El Paso. Those records indicate that on September 20, 2021, a psychiatric evaluation of EBERT was conducted. EBERT told the provider that he uses marijuana most days to "self-medicate."

***Additional History of Marijuana Use***

11. In response to legal process, federal agents received bank transaction history associated with EBERT's primary checking account from January 1, 2022, to April 22, 2024. Review of purchase history identified the following purchases made by EBERT:

- a. On May 30, 2023, EBERT made a purchase of \$115.57 at Bloom Weed Dispensary Sidney, a marijuana dispensary located in Sydney, Montana.
- b. On May 30, 2023, EBERT made a purchase of \$189.61 at Seed of Life Labs, a marijuana dispensary located in Glendive, Montana.
- c. On March 27, 2023, EBERT made a purchase of \$92.64 at Seed of Life Labs, a marijuana dispensary located in Glendive, Montana.
- d. On September 26, 2022, EBERT made a purchase of \$314.50 at Seed of Life Labs, a marijuana dispensary located in Glendive, Montana.
- e. On September 9, 2022, EBERT made purchases totaling \$260.40 at Seed of Life Labs, a marijuana dispensary located in Glendive, Montana.

12. On October 1, 2024, federal agents were notified by EBERT's U.S. Army command that EBERT failed his September 15, 2024 urinalysis test. EBERT's test results



came back positive for THC.<sup>4</sup>

***Previous Search Warrant***

13. On October 8, 2024, during the execution of a search warrant at EBERT's residence in Dickinson, ND, federal agents found and seized these 10 firearms:

- a. Hi-Point, Model C9, 9mm pistol, serial number ("SN") P10154935;
- b. DPMS, Model A-15, .223 caliber rifle, SN FH75103;
- c. Hi-Point, Model 4595, .45 caliber rifle, SN R62999;
- d. Marlin, Model 25M, .22 caliber rifle, SN 16658832;
- e. Glock, Model 22, .40 caliber pistol, SN GPS042;
- f. Howa, Model 1500, .243 caliber rifle, SN B163500;
- g. Remington, Model 870 Wingmaster, 12-gauge shotgun, SN 1025227V;
- h. Bearman, Model BBG 38, .38 caliber pistol, SN BT049161;
- i. Mossberg, Model 505, 20-gauge shotgun, SN UO70934; and
- j. SIG Sauer, Model P226, 9mm pistol, SN U641844.

In two vehicle subject to the previous search warrant, agents found multiple rounds of ammunition, including 9mm and .22, .38, and .40 caliber rounds.

14. On October 8, 2024, EBERT admitted to federal agents that he had regularly used marijuana and his last use of marijuana was approximately two weeks prior to his military drill on or about September 15, 2024.

15. After the previous search warrant was executed, Bureau of Alcohol, Tobacco,

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<sup>4</sup> Tetrahydrocannabinol, or THC, is the principal psychoactive compound in cannabis; marijuana refers to parts of or products of cannabis containing substantial THC amounts.



Firearms, and Explosives Special Agent Jeremy Schmidt conducted an examination of the above firearms found and seized during the search warrant execution. Special Agent Schmidt determined that each met the definition of a firearm under Title 18, United States Code, Section 921(a)(3) and was manufactured outside of North Dakota thus affecting commerce. He also examine some of the rounds of ammunition and was able to determine they met the definition of ammunition under Title 18, United States Code, Section 921(a)(17)(A) and were manufactured outside of North Dakota thus affecting commerce.

***North Dakota Medical Marijuana Program***

16. The NDMMP allows for the production, processing, sale, dispensing, and medical use of marijuana under North Dakota law.<sup>5</sup> North Dakota law requires the NDMMP to collect and maintain certain information and records, such as those who apply for a registry identification card that would permit their medical use of marijuana under state law. Such information may tend to establish Ebert's use of marijuana and his state of mind as to the lawfulness or unlawfulness of his marijuana use.

17. Discussion with the assistant North Dakota attorney general who is the agent for receipt of process and legal advisor to the NDMMP has established that if served a search warrant they would search NDMMP records for the information and records authorized and provide them to agents along with a business records certification. Moreover, they indicated even a negative response of no-records would require process.

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<sup>5</sup> See N.D. Cent. Code Ch. 19-24.1; N.D. Admin. Code Art. 33-44. Further information about the NDMMP is publicly available at <https://www.hhs.nd.gov/mm>.

**CONCLUSION**

18. Based on the aforementioned facts and my training, experience, and knowledge, there is probable cause to believe that one or more violations of Title 18, United States Code, Section 922(g)(3) (drug user in possession) have been committed by EBERT. There is also probable cause to search the records of the North Dakota Medical Marijuana Program for evidence of this and related crimes, as described in Attachment B.

19. I further request that the Court direct the North Dakota Medical Marijuana Program to disclose to the government any information described in Section I of Attachment B that is within its possession, custody, or control. Because the warrant will be served on the NDMMP who will then search for and compile the requested information and records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,



Steven Takacs  
Task Force Officer  
Federal Bureau of Investigation

Sworn to by reliable electronic means this 24th day of October, 2024.



Clare R. Hochhalter  
United States Magistrate Judge